



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3146-99

27 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 12 September 1966 at age 19 and served on active duty until you were released from active duty on 11 September 1970. During your enlistment you received nonjudicial punishments (NJP) on 4 July 1967 and 24 April 1968. Your offenses were sleeping on watch, an absence from your appointed place of duty and disobedience. You are requesting removal of the 24 April 1968 NJP from your record so that you will be eligible for a Good Conduct Medal.

Regulations in effect at the time of your service stated that eligibility for a Good Conduct Medal ends after a second NJP, and the individual begins a new three year period from that date. The record shows that you only served about 30 months after your second NJP.

The Board was aware that regulations allow for the destruction of NJP evidence after two years. Since it appears that an offense was committed, there is no evidence that the commanding officer abused his discretion when he imposed NJP. Additionally, since you only received an official reprimand, the punishment was not too severe. Therefore, the Board concluded that the NJP should

not be removed from your record.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director